

REMARKS

Claims 19-30 are presented for examination in the present application. Claims 1-18 of the application as filed have been canceled.

The rejection of claims 9-10 and 15-18 under 35 USC 112 is vitiated by cancellation of these claims.

All claims of the application as filed have been rejected over Curatolo 6,165,609, Hunt 6,647,649 and PCT patent document WO 03/095198.

Curatolo discloses a security coating for adhering a label to a package. The coating includes taggants responsive to irradiation (column 2, lines 9-13 and 21-23). As applied specifically to packaging for pharmaceuticals, the taggants are disposed in an adhesive layer for securing a label to the container (column 19, lines 53-56 and column 27, lines 27-31). The taggants are responsive to irradiation, such as ultraviolet radiation, to emit light in a different spectral region such as the visible region (column 27, lines 44-48).

The PCT patent document discloses a packaging laminate of sheet material such as for plastic bags, in which one of the laminate layers includes magnetically detectable particles.

Hunt discloses microparticle taggants that include multiple colored layers. The microparticles are combined with a binder and applied to the surface of the objects to be tagged (column 7, lines 47-54). For packaged products in particular, the microparticles can either be combined with the packaged product or adhered in a binder to the container, closure or other packaging (column 7, lines 56-59).

Turning to the present application claims, new independent claim 19 is directed to a package that includes a container and a closure for securement to the

container. At least one of the closure and the container is of molded plastic construction and has a plurality of microparticle taggants embedded therein as molded. The microparticle taggants have multiple colored layers to provide a code for identifying the package. None of the cited references disclose or suggest a molded article, let alone a molded plastic container or closure, having microparticle taggants embedded therein as molded. In both Curatolo and Hunt, the taggants are disposed in a fluid that is applied to the article as made, such as in a label adhesive layer in Curatolo or in a separately applied flowable binder in Hunt. The sheet laminate in the PCT document is neither the same as nor suggestive of a molded plastic closure or container. Thus, the cited references do not disclose or suggest the subject matter of new independent claim 19.

Claims 20-24 are allowable both by reason of dependency from allowable independent claim 19, which is itself allowable for reasons set forth above, and because of the additional novel limitations set forth therein. For example, claim 20 recites that the closure or container in the package of claim 19 has a wall of multilayer construction as molded, and that the microparticle taggants are embedded in at least one layer of the wall. As noted above, the sheet material of the PCT reference is not of molded construction. Dependent claim 21 recites that the wall of claim 20 has surface layers and at least one intermediate layer, and that the microparticle taggants are embedded in the at least one intermediate layer. Dependent claim 22 additionally recites that there are multiple intermediate layers, and that the microparticle taggants are embedded in one of the intermediate layers. Dependent claim 23 recites that the at least one intermediate layer of claim 21, within which the microparticle taggants are embedded, is of barrier resin construction. Dependent claim 24 recites that the taggants include at least one of a

fluorescing agent and a magnetic charge to enable initial detection of the presence of the taggants.

New independent claim 25 is directed to a method of making a packaging component that is a closure or a container. The method includes the steps of blending with a plastic resin a plurality of microparticle taggants having multiple colored layers, and molding the packaging component from the resin such that the microparticle taggants are embedded in the packaging component as molded. Claim 25 thus is allowable for all of the reasons discussed above in connection with new claim 19.

New independent claim 26 recites a molded plastic container that includes at least one layer of plastic material and a plurality of microparticle taggants embedded in the layer as molded. The taggants have colored layers to provide a code for identifying the container. As discussed in detail above in connection with claim 19, the Curatolo and Hunt references disclose application of taggants in a fluid applied to a container and not embedment of microparticle taggants in a molded plastic container as molded. The PCT reference discloses inclusion of taggants in a layer of a sheet material, and does not relate to embedment of taggants in molded plastic containers.

New dependent claims 27 and 28 are allowable both by reason by dependency from independent claim 26, and because of the additional novel limitations set forth therein and discussed above.

New independent claim 29 recites a closure that includes a shell of molded plastic construction having a plurality of microparticle taggants embedded in the shell as molded. No such structure is disclosed or suggested in the cited references, as previously discussed in detail.

New independent claim 30 recites a closure that includes a shell of molded plastic construction, a liner disposed within the shell, and a plurality of microparticle taggants embedded within the shell, the liner or both. The references do not disclose or relate to provision of a closure, either with or without a liner. The references do not disclose or suggest embedment of microparticle taggants in a closure shell, in a closure liner, or in both.

It therefore is believed and respectfully submitted that all claims 19-30 currently pending in the present application are allowable at this time, and favorable action is respectfully solicited.

Please charge any fees associated with this submission to Account No. 15-0875 (Owens-Illinois).

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